

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL SCHUBMEHL and KEVIN WOODS, on
behalf of themselves and others similarly situated,

Plaintiffs,

v.

SARMA MELNGAILIS, ONE LUCKY DUCK HOLDINGS,
LLC, PURE FOOD AND WINE, LLC, CGM 54 IRVING, LLC,
d/b/a PURE FOOD AND WINE, and ONE LUCKY DUCK
ECOMMERCE, LLC, jointly and severally,

Defendants.
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STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

15 cv 6432 – VEC

AFFIDAVIT OF
BENJAMIN N. DICTOR
IN SUPPORT OF
PLAINTIFFS' REQUEST
ENTRY OF CLERK'S
DEFAULT

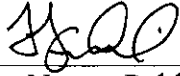
BENJAMIN N. DICTOR, being duly sworn, deposes and says:

1. I am a member of the law firm Eisner & Dictor, P.C., attorneys for plaintiffs DANIEL SCHUBMEHL and KEVIN WOODS (the "plaintiffs") in this matter. I am fully familiar with this matter and these proceedings.
2. This action was commenced on August 14, 2015 by filing a Summon and Complaint against SARMA MELNGAILIS, ONE LUCKY DUCK HOLDINGS, LLC, PURE FOOD AND WINE, LLC, CGM 54 IRVING, LLC, d/b/a PURE FOOD AND WINE, and ONE LUCKY DUCK ECOMMERCE, LLC, jointly and severally. The Complaint was brought pursuant to 29 U.S.C. §§201 *et seq* of the Fair Labor Standards Act (the FLSA) and the wage and hour provisions the New York Labor Law (N.Y.L.L.) §§ 190 *et seq*.
3. On October 28, 2015, the Summons, Complaint, ECF Filing Rules & Instructions, and Individual Practices of Hon. Valerie E. Caproni were served on defendant SARMA MELNGAILIS by E-Mail, Certified Mail, Return Receipt Requested, and First Class Mail, pursuant to the Order of Hon. Valerie E. Caproni filed on October 27, 2015, granting plaintiffs leave to serve said defendant by E-mail, Certified Mail, Return Receipt Requested, and First Class Mail. The Affidavit of Service and Hon. Caproni's Order are attached hereto as Exhibits A and B, respectively.
4. The time within which defendant SARMA MELNGAILIS may answer or otherwise move with respect to the Complaint has expired. Defendant SARMA MELNGAILIS has not answered or otherwise moved with respect to the Complaint and the time for said defendant to do so has not been extended.


7. Plaintiffs respectfully request that the Clerk enter the default of defendant SARMA MELNGAILIS pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Sworn to before me this

31 day of August, 2016.



Notary Public


Benjamin N. Dictor

THOMAS LAMADRID
Notary Public, State of New York
No. 02LA6326549
Qualified in Queens County
Commission Expires June 22, 2017